

Entered 8-28-00 sb  
CL 00L0517 GWENDOLYN BURNS

05-R -1277

**CLAIM OF: PAUL EDWARDS**  
2530 Birchwood Drive, NE  
Atlanta, Georgia 30305

For property damages alleged to have been sustained when sink holes, fallen trees, a broken driveway and drainage problems occurred due to a storm water improvement project after July 11, 2000 at 2530 Birchwood Drive, NE.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT


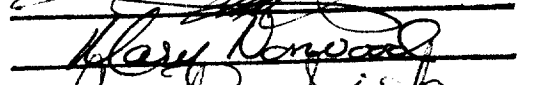
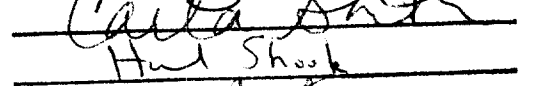
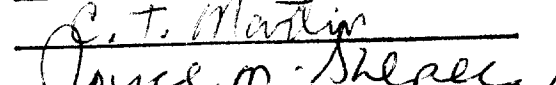
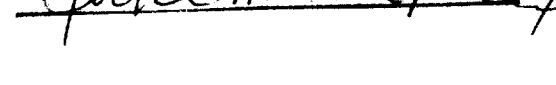

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE:

CHAIR:

ADVERSED  
CITY COUNCIL

JUL 13 2005

7/12/05  
  
  
  
  
  




## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

July 20, 2005

Paul Edwards  
2530 Birchwood Dr., NE  
Atlanta, GA 30305

**95-R-1277**

Dear Mr. Edwards:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 18, 2005. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0517

Date: June 29, 2005

Claimant /Victim PAUL K. EDWARDS  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2530 Birchwood Drive, NE, Atlanta, Georgia 30305  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ undetermined Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 8/28/004 Method: Written, Proper \_\_\_\_\_ Improper X  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ Ante Litem (6 Mo.) \_\_\_\_\_  
Date of Occurrence 7/11/00 Place: 2530 Birchwood Drive, NE  
Department \_\_\_\_\_ Bureau: \_\_\_\_\_  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that he sustained five sink holes, a broken driveway and potential damage to an existing tree due to construction work performed on a storm water improvement project. However, the claim fails to meet the requirements of notice as the statute of limitations expired prior to receipt of the claim. Furthermore, an investigation determined that an outside contractor performed the work at this location. The claimant has been advised to pursue his claim with the contractor. Notwithstanding this fact, site visits determined that the sink holes were due to storm water run-off from the house and the tree in question was located on the abutting property and not the claimant's property. Finally, the broken driveway was replaced with an asphalt driveway.

### INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others X Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice X More than Six Months X Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager: [Signature] Concur/date 06/29/05

RCS# 6850  
7/18/05  
4:53 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 6-19

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		7/05/05
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 05-O-0663	31. 05-R-1226	52. 05-R-1265
2. 05-O-0666	32. 05-R-1227	53. 05-R-1266
3. 05-R-0900	33. 05-R-1228	54. 05-R-1267
4. 05-O-0901	34. 05-R-1302	55. 05-R-1268
5. 05-O-0902	35. 05-R-1303	56. 05-R-1269
6. 05-O-1294	36. 05-R-1304	57. 05-R-1270
7. 04-O-1363	37. 05-R-1318	58. 05-R-1271
8. 05-O-1129	38. 05-R-1220	59. 05-R-1272
9. 05-O-1131	39. 05-R-1250	60. 05-R-1273
10. 05-O-1132	40. 05-R-1252	61. 05-R-1274
11. 05-O-1133	41. 05-R-1295	62. 05-R-1275
12. 05-O-1134	42. 05-R-1255	63. 05-R-1276
13. 05-O-1135	43. 05-R-1256	64. 05-R-1277
14. 04-O-1973	44. 05-R-1257	65. 05-R-1278
15. 05-O-1126	45. 05-R-1258	66. 05-R-1279
16. 05-O-1128	46. 05-R-1259	67. 05-R-1280
17. 05-O-1296	47. 05-R-1260	68. 05-R-1281
18. 05-O-1300	48. 05-R-1261	69. 05-R-1283
19. 05-R-1140	49. 05-R-1262	70. 05-R-1284
20. 05-R-1320	50. 05-R-1263	71. 05-R-1285
21. 05-R-1215	51. 05-R-1264	
22. 05-R-1229		
23. 05-R-1254		
24. 05-R-1217		
25. 05-R-1218		
26. 05-R-1219		
27. 05-R-1251		
28. 05-R-1223		
29. 05-R-1224		
30. 05-R-1225		